

Appl. No.: 09/804,848
Amdt. Dated: May 28, 2003
Reply to Office action of: April 10, 2003

REMARKS/ARGUMENTS

The Office action contends that applicants elected Group I. On the contrary, applicants elected Group II in their response dated January 23, 2003 ("Amendment B"). In Amendment B, applicants then cancelled the elected claims and presented new claims directed to the elected invention. For example, elected claim 9 is directed to an electric connection for a hearing aid device, comprising a capacitance. This is how the Examiner has characterized claim 34. Therefore, in accordance with restriction practice, the new claims are directed to the same invention as the elected claims. Since the new claims 34-68 are directed to the elected invention, they are entitled to examination.

In addition, the Office action contends that applicants have received an action on the merits. This is incorrect. When the new claims were presented, an action on the merits had not been issued. The only action at the time was the restriction, which is not an action on the merits. Therefore, the new claims must be considered. In any event, the new claims are directed to the elected invention and are entitled to examination.

The Examiner has required proper formatting of the specification. The specification has been amended to comply. An abstract has been added.

Claims 30-33 have been objected to. The objection is moot because the claims are nonelected and have been cancelled.

Claims 1-8, 18-24, and 30-33 have been rejected as being indefinite. The rejection is moot because the claims are nonelected and have been cancelled.

Claims 1-8, 18-24, and 30-33 have been rejected as being anticipated by Tong. The rejection is moot because the claims are nonelected and have been cancelled.

All of the issues raised have been addressed. Therefore, applicants now request examination of the elected invention: claims 34-68.

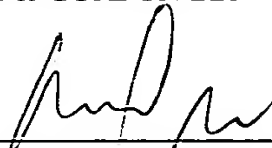
• Appl. No.: 09/804,848
Amdt. Dated: May 28, 2003
Reply to Office action of: April 10, 2003

If there are any additional fees resulting from this communication, please charge same to our
Deposit Account No. 16-0820, our Order No. 33422

Respectfully submitted,

PEARNE & GORDON LLP

By:



Michael W. Garvey, Reg. No. 35878

526 Superior Avenue, East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700

Date: May 28, 2003